

10/790.316

Amendment to File

NOV 26 2007

11/26/07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Haase, Richard A.

Serial No.: 10/790,316

Filed: March 1, 2004

A continuation of PCT/US 03/11250
and PCT/US 03/41719

**Title: Water Combustion Technology -
Methods, Processes, Systems and
Apparatus for the Combustion of
Hydrogen and Oxygen**

Claiming Priority of:
PCT/US 03/11250 filed 4/10/03,
PCT/US 03/41719 filed 10/11/03,
60/447,880 filed 2/14/03,
60/404,644 filed 8/19/02,
60/379,587 filed 5/10/02, and
60/371,768 filed 4/11/02.

Mail Stop: Amendment
The Honorable Commissioner for Patent and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sent by facsimile: 571-273-8300

TRANSMITTAL LETTER

Enclosed for filing is an Amendment to File , which documents a telephone interview with the Examiner. Please enter in support of said application for patent:

1. Transmittal letter (2 pages); and
2. Amendment to File (2 pages).

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence and all documents referred to as being enclosed or attached is being sent by FACSIMILE on the date indicated below to: **571-273-8300, Attn. Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**

November 26, 2007
Date of Transmission


Richard A. Haase

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Respectfully submitted,



Richard A. Haase, Pro Se' Applicant

Date: November 26, 2007

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Summary of Examiner Telephone Interview

Applicant received the Examiner's 11/14/07 Office Action on 11/19/07. Upon receipt of said Office Action, Applicant phoned the Examiner. The Examiner was not available; so, Applicant left a voice message for the Examiner to return the call.

The Examiner called Applicant the next day in the AM. Applicant enquired with the Examiner why that Applicant's secondary considerations of Long Felt Need were dismissed by the Examiner in said Office Action. The Examiner informed Applicant that the declarations were not persuasive and that the Examiner could not allow the claims as written.

Applicant went on to inform the Examiner that Mr. Chester Vaughn was a retired and recognized propulsion manager at NASA. Applicant went on to inform the Examiner that both declarations were performed according to the recent Supreme Court Case Law, as so cited by Applicant. The Examiner responded to Applicant that said Case Law does not apply to all patent applications. The Examiner went on to state that the instant independent claim needed to be revised according to the means recommended by the Examiner in the Examiner's Office Action. Applicant responded that Applicant did not see a legal or a factual reason do make such limitations to said independent claim. The Examiner stated that he would not allow the independent claim in its current form and that his recommended limitations must be included within the instant independent claim in order for allowance. The Examiner stated that if he did not obtain the additional limitations within the instant independent claim as required in his office action, he would get in trouble at the USPTO.

Being rather surprised at the above, Applicant further asked the Examiner if the Examiner would remove the marking of "Final Office Action" on said Office Action; as, the Examiner had provided new grounds for rejection in said Office Action, of which Applicant wished to respond. The Examiner stated that he would not remove the "Final Office Action" designation. Applicant informed the Examiner that Applicant would have to speak with his supervisor regarding a "Final Office Action" designation comprising new grounds of rejection.

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Applicant spoke with the Examiner's Supervisor, Mr. Tom Denion, that afternoon. Applicant shared with Mr. Denion that Applicant's secondary considerations from one of recognized expert skill in the art should not be simply dismissed out of hand. Mr. Denion asked Applicant if there were any constructive remarks from the Examiner regarding the secondary considerations. Applicant informed Mr. Denion that there were no constructive remarks from the Examiner regarding the secondary considerations; therefore, Applicant must conclude that the form and content of the declarations was proper.

Mr. Denion believed that the Examiner was within his rights to mark the Office Action as "Final" as long as a new citation was not presented. Applicant presented to Mr. Denion argument according to MPEP 706.07 that a Final Rejection cannot be made within new grounds of rejection. Mr. Denion informed Applicant that he could not change the direction of a Primary Examiner; however, he would ask the Examiner if the Examiner would take the instant Application from Final Rejection. Mr. Denion called Applicant back to inform Applicant that the Examiner was firm in his decision of rejection and that the Examiner would not remove the Final Rejection Designation. Mr. Denion did inform Applicant that the Examiner would accept argument after final.

Mr. Denion suggested that Applicant file an Appeal.

Respectfully submitted,



Richard A. Haase, Pro Se' Applicant

Date: November 26, 2007

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